

**FILED
Court of Appeals
Division II
State of Washington
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NO. 51930-5-II

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II**

**STATE OF WASHINGTON
Respondent**

v.

**DHENA RAYNE ALBERT
Appellant**

**THE HONORABLE JUDGE ROBERT LEWIS
JUDGE OF THE SUPERIOR COURT
OF CLARK COUNTY, STATE OF WASHINGTON**

APPELLANT'S BRIEF

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A. ASSIGNMENTS OF ERROR

1. The trial court erred in denying Appellant's motion for new trial or in the alternative arrest of judgment (RP 447) (CP 101).
2. The trial court erred in denying Appellant's request for a Franks hearing challenging the search warrant affidavit.
3. The trial court erred in allowing introduction to evidence Appellant's DVR security device, which Appellant requested from the state many times, when it was provided after the close of the state's case and just before Appellant was to take the stand. The court ruled the state could not reopen its case to introduce the item into evidence, but if the appellant testified contrary to the video the state would be allowed to introduce the evidence to impeach her (CP 123, 105, 27, 112, 50) (RP 398).
4. The trial court erred in denying Appellant's motion for continuance (May 2, 2018). Appellant requested a continuance noting its many requests to obtain the DVR security device and the failure of the state to provide it. The state maintained it did not have the software to open the system for inspection. The state did not oppose a continuance. The court denied the request for continuance.

5. The trial court erred in denying Appellant's motion to suppress evidence discovered during the execution of the search warrant (RP 40) (CP 30, 62).
6. The trial court erred in denying Appellant's motion for in-camera interview of the informant as requested in Appellant's motion for Franks hearing (RP 38) (CP 62, 66, 30, 114).
7. The trial court erred in ruling State v. Harris, 44 Wn. App. 401 (1986) on its facts limits a Franks hearing to only challenge the affiant and had no application against the confidential reliable informant (CRI) who the affiant relied upon (CP 114).
8. The trial court erred in not recognizing the alleged informant should be disclosed because he or she had information material to Appellant's guilt or innocence; State v. White, 50 Wn. App. 858 (1988), State v. Casal, 103 Wn.2d 812 (1985) and State v. Petrina, 73 Wn. App. 779 (1994).
9. The trial court erred in setting a four million dollar appeal bond.

Issues Related To Assignments of Error

1. Would an in-camera interview of the confidential informant prove Appellant's connection to the residence was substantially less than the state maintained? Would it have assisted Appellant in proving she was not in either actual or constructive possession of the controlled substance present in

the residence at the time of the search?

2. Could the confidential informant have established Appellant was just one of many girlfriends that Cruz Gutierrez, the lease holder, had at the residence?
3. Would an in-camera interview of the confidential informant establish the description by the confidential informant as having been in the residence within the last 72 hours prior to the execution of the search warrant?
4. Does the failure of the state to provide the inculpatory evidence from Appellant's DVD security system until just before she testified, despite many timely requests by Appellant and a court order, entitle Appellant now to accept the state's pretrial settlement offer of 92 months, because she would have accepted had she known a video existed of her sitting next to approximately one ounce of methamphetamine seized from the apartment where she was arrested?

B. STATEMENT OF THE CASE

A search warrant was executed at 2600 T Street, Vancouver, Washington on August 25, 2017 (CP 30, 113). The time it was issued was not stated. The address on Appellant's driver's license from 2016 was 2600 T Street, Vancouver, Washington (CP 30, 113). The search warrant was based on reports of an alleged confidential reliable informant (CRI). The affidavit for search warrant and the search warrant

listed Cruz Gutierrez and Appellant as defendants and residents at 2600 T Street, Vancouver, Washington. The CRI said he/she had purchased methamphetamine several times in the past with no specific time frames given or where it was purchased (CP 30, 113, affidavit page 2). The CRI refers to "distribution amounts" (CP 30, 113) (affidavit at page 2.43). The affiant, Officer Nolan, stated a controlled buy occurred within 72 hours prior to the request for the search warrant. According to the affiant the CRI said he/she purchased methamphetamine from Appellant.

When the search warrant was executed Appellant was present at the residence and arrested. Law enforcement seized approximately 800 grams of methamphetamine from the residence and a safe; firearms were discovered in the safe. A surveillance system was seized, as well as Appellants cell phone.

The affiant stated the CRI provided the information for favorable consideration on a pending criminal charge and other officers found the CRI to be reliable. The affiant made conclusionary statements and gave no basis for the judge issuing the warrant to confirm minimal basis of reliability other than the officer's word.

Appellant filed a motion to suppress (CP 30) and a hearing was held (RP 29-41). Appellant filed a motion under Franks v. Delaware asking the court for disclosure of the informant, records or logs of the CRI's activity 72 hours prior to the

execution of the search warrant, and asked the court to seal Appellant's declaration in support of the motion (CP 30, 62). The court denied the motion to seal Appellant's declaration and disclosure of the CRI (CP 113, 114).

Appellant presented evidence that she was not at the residence located at 2600 T Street for substantial periods of time 72 hours prior to the execution of the search warrant by using her cell phone records and cell tower information and the declaration of Gary Rice, defense investigator (RP 367-379, exhibit 97). Affidavit of Gary Rice is attached as exhibit A.

Appellant also provided evidence she was not at the residence located at 2600 T Street within 72 hours prior to the execution of the search warrant by using her pay check stubs showing she was at work. Appellant's cell phone records and the cell tower information showed Appellant's cell phone was used at 2600 T Street by referencing the closest cell tower on 33rd Ave and U Street between August 15, 2017 and August 16, 2017.

The trial court denied Appellant's Franks motion and would not allow disclosure of the informant; the court denied an in-camera interview of the informant and would not allow disclosure of any police reports concerning when the CRI conducted a controlled buy to determine if it was consistent with Appellant's cell phone data to show if she was present at 2600 T Street or not (RP 36, CP 114).

On November 22, 2017 Appellant filed a motion to return the DVD security system. The state earlier had provided discovery through police reports that they were not able to open the video on the DVD security system. The court granted the state additional time to open and view the video on the DVD security system (CP 123) (RP 123, 50).

Appellant renewed the motion on May 2, 2018 at an omnibus and review hearing. On May 4, 2018 the state advised defense, by email, that defense could pick up the DVD security system from the VPD Evidence Unit.

Appellant filed a motion to continue the trial at readiness hearing on May 2, 2018 on the grounds that defense wanted to obtain and examine the DVD security system; the court denied the motion and trial commenced on May 7, 2018 (CP 65) (RP 44.11). The state advised defense and the court that it did not have the software to open the DVD system but had ordered it and was expecting it. The state did not oppose the continuance.

The state presented its case (RP 109-367). After the close of the state's case and just before the Appellant was to take the stand the state provided the video from the DVD system. The state was able to open the video on the DVD System on May 8, 2018 (RP 396-397.25). Outside of the presence of the jury and the court the parties reviewed the video several times. The video showed Appellant inside the

residence located at 2600 T Street sitting in front of what appeared to be approximately a one ounce bag of methamphetamine which the state had earlier admitted into evidence (RP 396-397). Appellant requested the video be excluded. The court ruled it is admissible for impeachment evidence only in the state's rebuttal (RP 398). As a result of this ruling Appellant did not testify (RP 399.24).

An appeal bond was requested pending sentencing (RP 435). The court set the bond at \$750,000.00 (RP 435.24).

On May 17, 2018 the state moved to modify the bail to a no bail hold (RP 437-438). The request was based on the state's motion that a federal judge had authorized a search warrant, issued two days after the trial concluded, to search a residence in Portland, Oregon that Appellant was associated with through friends and family; Appellant objected. The court granted the request for a no bail hold pending sentencing (RP 438.16).

Appellant filed a motion for new trial or in the alternative arrest of judgement and listed the assignments of errors (CP 101). The court denied the motion for new trial (RP 441-447) (CP 109). Sentencing was on May 23, 2018 (RP 440).

Appellant's motion for discovery regarding the state's evidence of a federal search warrant (CP 105) (RP 447); also filed was a motion for discovery of surveillance device research (CP 123) (RP 448). Appellant argued the federal

government allegedly had evidence of where Appellant was living and how long she lived there (RP 448.10). This was relevant to Appellant's Franks motion because if she resided in Portland, Oregon for a significant period of time as alleged by the federal government it would impeach the search warrant affidavit alleging Appellant lived at 2600 T Street and was selling methamphetamine within 72 hours prior to the issuance of the search warrant.

Appellant requested the timing of the state's extraction of the video from the DVD surveillance system (CP 105) (RP 448. 22). Appellant wanted to know the process used to extract the video, when it was extracted, and when the information was sent to the state (RP 449). The state advised it received the surveillance video during trial on Wednesday morning (RP 449.16); the court denied both motions (RP 449.22) (CP 112, 111).

Appellant made objections to the court's findings on the CrR 3.5 hearing (RP 452. 11). The court denied Appellant's motion for a Franks hearing (RP 453) and entered the order (RP 454).

Appellant moved for an appeal bond, attached as exhibit B (RP 466). Appellant had been placed on a no bail hold pending sentencing. Appellant's motion to set bail argued that a no bail hold was inappropriate and appellant did not meet the factors for a no bail hold as listed in RCW 10.73.040 and RCW 9.95.062. While

Appellant's case was pending she appeared for every court appearance as required. Appellant had no history of fleeing or not appearing in court. Appellant's crime was a nonviolent crime so she did not pose a danger to the safety of others. The trial court said he could not find any of the factors listed in the statute but did find Appellant would flee if she was not held on substantial bail (RP 466.7). The court set bail at four million dollars (RP 466.16) (CP 130).

Appellant filed a motion for accelerated review with the Court of Appeals due to the excessively high bail which in essence is a no bail hold. Appellant received notice from the Court of Appeals on January 28, 2019 that the motion for accelerated review was denied.

C. ARGUMENT

Assignments of Error No(s) 1, 3, 12, 13, 14

Franks v. Delaware, 438 U.S. 154 (1978) issues related to the assignment of errors; does State v. Harris, 44 Wn. App. 401 (1986) preclude challenges to the credibility of the confidential reliable informant (CRI) as distinguished from challenges to the credibility of the affiant of the search warrant?

The court denied Appellant's motion to disclose informant because it challenged the credibility of the informant not the affiant; citing State v. Harris, 44 Wn. App. 401 (1986) (CP 114) (RP 36-38).

State v. Harris is too narrow of a reading. Harris recognized the case for disclosure is stronger when it appears likely identifying the informant will be helpful in the determination of guilt or innocence (page 405). In State v. Casal, 103 Wn.2d 812, the court ordered an in-camera hearing when the defendant's affidavit asserted, based on conversation with the informant, it contained material misrepresentations by the affiant.

In Harris the court found defendant provided evidence it characterized as nothing more than a denial that any drug transaction could have taken place in the residence at the time the informant is alleged to have witnessed the transaction.

Appellant provided much more than that. Appellant had cell phone records showing she was not at the residence for a substantial period of time within the 72 hours before the execution of the warrant. This period of time is key due to the allegations of past drug sales because it does not establish drugs will be at the residence when a search warrant is executed, absent a showing of a large amount of drugs at the residence.

A trial court's decision to grant or deny a motion for disclosure of an informant is a review on abuse of discretion; State v. Petrina, 73 Wn. App. 779 (1994) at page 782. A defendant's request for disclosure raises constitutional issues of fundamental fairness and due process. The fundamental requirements of fairness

limit the government's privilege, Roviaro v. United States, 353 U.S. 53 (1957). The informant privilege is codified at CrR 4.7(f)(2) and RCW 5.60.060(5).

In Petrina, at page 783, it noted the ruling in Roviaro; when disclosure of the informer's identity is relevant and helpful to the defense of the accused or essential to a fair determination of a cause, the privilege must give way.

Petrina also identified the defendant's Sixth Amendment right to compel a witness that could materially aid in his/her defense. If Defendant establishes a "colorable need for the person to be summoned then the person is a material witness whose identity the state must disclose to allow the defendant to compel attendance" at page 784.

State v. White, 50 Wn. App. 858 (1988) noted the general rule that where an informant's information is used only to establish probable cause but is not relevant to guilt or innocence, a defendant has no constitutional right to disclosure, at page 864. However it emphasized "Nevertheless disclosure may be ordered where necessary to assess the affiant's credibility or accuracy" page 865. The risk of disclosure recognizes the possibility that in some cases a search warrant affidavit may contain false allegations.

In Appellant's case if she was not at the residence for a substantial period of time when the informant claimed he/she saw drug dealing the accuracy of the

informant is in serious question. This evidence was presented through Gary Rice; defense Investigator (RP 367,371, Exhibit 97). Mr. Rice provided an affidavit concerning his data extraction from Appellant's cell phone establishing Appellant was using her cell phone at 2600 T St. from August 15, 2017 at 1:43 p.m. until August 16, 2017 at 4:41 p.m. The extracted data was attached to Mr. Rice's affidavit and as exhibit 97. Gary Rice testified to the extraction of the data through direct and cross examination and the application of the Cellebrite analysis; it should be undisputed between August 17th -18th of 2017 from 20:03 hours to August 18, 2017 at 9:07 hours using the column 4 time (UTC -8) of the chart attached to Mr. Rice's affidavit.

The search warrant was sworn before the judge on August 18, 2017 at 2:02 p.m. and executed August 25, 2017 at 07:45 hours.

Additional support for a Franks hearing and in-camera review was the declaration of counsel, filed April 27, 2018 (CP 62). Attached as exhibit A to counsel's declaration was Appellant's affidavit detailing her activities including her work schedule and overnight stays at 2600 T Street. Attached as exhibit B to counsel's declaration was discovery provided by the state of its cell phone analysis showing Appellant was at 2600 T Street on August 16, 2017 from 1:43 a.m. until 13:33 p.m. when she left for work. After work Appellant returned to 2600 T Street

and remained until 15:44 hours on August 17, 2017. Appellant returned to 2600 T Street at 21:22 hours. On August 18, 2017 Appellant left 2600 T Street and is gone for a majority of the day (CP __, Attachment B). Attached as exhibit C to counsel's declaration is discovery provided by the State of Appellant's text messages that would establish she was not at 2600 T Street; text messages #798, #832, #847, #897, #932, #941, #1057, #1113, #1138, and #1156.

State v. Casal, 103 Wn.2d 812 (1985) held where the defendant provides information which casts a reasonable doubt on the veracity of the information in the search warrant affidavit and the challenged statements are the sole basis for the probable cause to issue the search warrant, the trial court should exercise discretion to conduct an in-camera examination of the affiant and/or secret informant on the veracity issue.

In Appellant's case most of the probable cause was based on conclusionary statements of the affiant of the type found lacking in State v. Thien.

In Casal the court recognized the inherent difficulty for a defendant to make the preliminary showing required for a Franks hearing. Franks v. Delaware, 438 U.S. 154 (1978) did not address the issue of an unknown informant. The court in Casal held the solutions to this problem of challenging an unknown informant is to have an in-camera hearing, page 818.

Assignments of Error No(s) 1, 3, 4

Issues related to assignment of errors; did the court's denial of the parties request for a continuance, to allow time to access the DVD video surveillance system, force the trial which created a structural inherent ineffective assistance of counsel in that Appellant's trial counsel was unaware of the video showing Appellant sitting in the apartment next to an ounce of methamphetamine? Therefore, defense could not adequately advise Appellant of her risk at trial; prejudicing her right to effective assistance of counsel as guaranteed by the Sixth Amendment of the United States Constitution and Article 1, § 22 of the Washington State Constitution; State v. Drath, ___ Wn. App. ___ (No. 49403-5-II, December 27, 2018).

Was Appellant prejudiced when the state provided discovery of the video from the DVD surveillance system just before Appellant testified which denied her the right to put on a case by foreclosing her ability to testify in conformity with defense counsel's opening statement to the jury?

Appellant is entitled to know all inculpatory evidence so she can prepare her case for trial. Is remand required to allow Appellant to accept the plea bargain offer due to the state's failure to provide the video from the DVD system before trial?

Does Appellant's presumed knowledge of what was on the video negate the duty of the state to provide the evidence in a timely manner?

Is a defendant required to provide his/her attorney with all inculpatory evidence in order to have standing to object to the state's late discovery of inculpatory evidence?

Attached as exhibit C is the plea offer Appellant received from the state (October of 2017). Appellant filed a motion to expand the record to include the offer. The plea offer was a stipulated 92 months plus one day sentence.

The video refuted her motion for disclosure of the informant and witness testimony that she was not at the residence at 2600 T Street for a sufficient period of time therefore it could be inferred she was not in possession of drugs or selling drugs.

It is highly likely trial counsel would have advised Appellant against going to trial and it is highly likely Appellant would have accepted the offer or made a counter-offer. Appellant did not receive effective assistance of counsel because her attorney was uninformed of inculpatory facts in the unique possession of the state. Inculpatory evidence should have been disclosed so Appellant could have made an informed decision on whether to take the offer or go to trial. Lack of knowledge of the video compromised Appellant's ability to put on her case when she went to trial. The surprise discovery of the video terminated her ability to testify due to the highly prejudicial impeachment value of the video.

State v. Drath, points to the remedy. In Drath trial counsel misadvised the defendant of the length of the sentence. The case was remanded so defendant could take the plea offer he had previously rejected because of ignorance of his risk of harm.

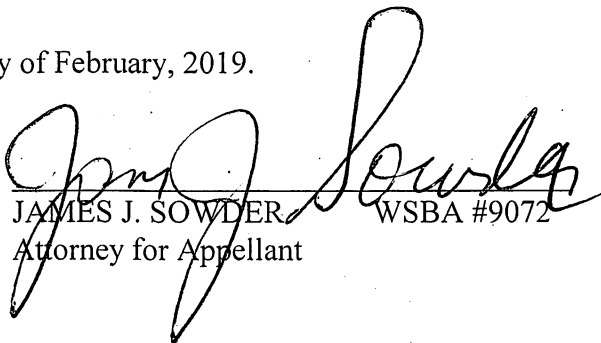
In Appellant's case this remedy is even more compelling in that the state's lack of diligence in its failure to disclose even if only negligent created risk of harm to Appellant.

Lafler v. Cooper, 566 U.S. 156 (2012) as a remedy required the state to renew its plea offer to correct ineffective assistance of counsel in the plea bargain process.

D. CONCLUSION

(1) Appellant requests remand for a new trial with an order requiring the trial court to have an in-camera review of the informant; (2) Remand to allow Appellant to accept the state's plea bargain offer of 92 months; (3) declare a mistrial for failure to provide timely discovery; DVR security video; (4) Appellant requests an appeal bond in the amount of One Hundred Thousand Dollars (\$100,000).

DATED this 1 day of February, 2019.


JAMES J. SOWDER WSBA #9072
Attorney for Appellant

EXHIBITS

E-FILED

05-03-2018, 12:00

**Scott G. Weber, Clerk
Clark County**

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON,

NO. 17-1-01893-7

DECLARATION OF DEFENSE
INVESTIGATOR; GARY RICE

DHENA RAYNE ALBERT,

Defendant.

I, GARY RICE, certify and declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

1. I am over the age of 18 years.
2. I was retained as defense investigator in the above referenced case. I former law enforcement officer and a licensed Washington Private Investigator for the last twenty four years. I am experienced in extracting data from mobile devices. I can use that extracted data from some mobile devices to determine the cell towers used by that specific mobile device.
3. Mr. Sowder gave me discovery that contained mobile device data, he received from the state; this data had been extracted from the Defendant's cell phone. I was asked to review the data and determine which cell towers that the defendant's phone had connected with between August 16, 2017 and August 18, 2017. I was able to provide the approximate locations of the cell towers, which had connected to the defendants

DECLARATION OF DEFENSE INVESTIGATOR;
GARY RICE -1

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EX. A

cellular phone.

4. The search warrant was executed at 2600 T Street, #146, Vancouver, WA. Defendant advised she did not live there but visited the apartment frequently. One of the cell towers that could be reached from that address is located in the area of 33rd U Street in Vancouver Washington.
5. Attached is the cell tower data from Defendant's cell phone. The data that was examined starts at #1690 on August 15, 2017 at 13:43 hours (1:43 p.m.) and it shows Defendant used her cell phone from the location at SW corner of 33rd and U Street.
6. As the defendant moves throughout the county her cell phone connects with different cell towers and the attached report shows the date, time and approximate cell tower location. Each time that a new cell tower is connected to the Defendants cell phone, the attached report indicates that change by that data being highlighted in yellow.
7. The data shows that the Defendants cellular phone was connected to the cell tower located in the area of 33rd & U Street from August 15, 2017 at 1:43 p.m. until August 16, 2017 at 4:41 a.m.
8. The data shows the defendant's cellular phone for the dates and times examined is moving throughout the county and is connecting to various cell towers to reflect that movement.

DATED this 42 day of May, 2018.


GARY RICE
Defense Investigator

DECLARATION OF DEFENSE INVESTIGATOR;
GARY RICE -2

James J. Sowder - Attorney at Law
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Data #	Date	Time	Time(UTC-8)	MCC	MNC	LAC	CID	Desc	Location
1690	8/15/2017	21:43	13:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1689	8/15/2017		17:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1688	8/15/2017		20:21	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1687	8/15/2017		21:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1686	8/15/2017		22:45	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1685	8/15/2017		23:51	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1684	8/15/2017		23:51	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1683	8/16/2017		0:59	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1682	8/16/2017		0:59	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1681	8/16/2017		1:06	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1680	8/16/2017		1:06	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1679	8/16/2017	9:51	1:51	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1678	8/16/2017	11:12	3:12	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1677	8/16/2017	11:12	3:12	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1676	8/16/2017	12:41	4:41	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1675	8/16/2017	12:41	4:41	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1674	8/16/2017	12:55	4:55	310	260	13601	21884675	Gmail	East 30 - 32nd Street & Between W & X Street
1673	8/16/2017	12:55	4:55	310	260	13601	21884675	Gmail	East 30 - 32nd Street & Between W & X Street
1672	8/16/2017	13:32	5:32	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1671	8/16/2017	13:32	5:32	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1670	8/16/2017	13:32	5:32	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1669	8/16/2017	13:32	5:32	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1668	8/16/2017	13:32	5:32	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1667	8/16/2017	13:32	5:32	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1666	8/16/2017	13:33	5:33	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1665	8/16/2017	13:33	5:33	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1664	8/16/2017	13:33	5:33	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1663	8/16/2017	15:33	7:33	310	260	13601	21884674	Gmail	South of Nicholson Road & East of Falk Road
1662	8/16/2017	15:33	7:33	310	260	13601	21884674	Gmail	South of Nicholson Road & East of Falk Road
1661	8/16/2017	17:24	9:33	310	260	13601	21884694	Gmail	North of Intersection Algona Drive & Terrace Drive
1660	8/16/2017	17:53	9:53	310	260	13601	21884694	Maps	North of Intersection Algona Drive & Terrace Drive
1659	8/16/2017	21:16	11:16	310	260	13601	21886977	Maps	East 17th Street & Reserve Street
1658	8/16/2017	21:52	11:52	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1657	8/16/2017		17:54	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1656	8/16/2017		19:57	310	260	13601	44915981	Google Play	SW Corner 33rd & Ust
1655	8/16/2017		19:59	310	260	13601	44915981	Google Play	SW Corner 33rd & Ust
1654	8/16/2017		20:04	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust

1653	8/16/2017		20:04	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1652	8/16/2017		20:35	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1651	8/16/2017		20:55	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1650	8/16/2017		22:11	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1649	8/16/2017		22:11	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1648	8/17/2017	8:09	0:09	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1647	8/17/2017	8:09	0:09	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1646	8/17/2017	9:16	1:16	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1645	8/17/2017	10:20	2:20	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1644	8/17/2017	10:20	2:20	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1643	8/17/2017	13:59	5:59	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1642	8/17/2017	14:02	6:02	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1641	8/17/2017	14:02	6:02	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1640	8/17/2017	15:44	7:44	310	260	13601	21884695	Gmail	U Street Between St Johns & East 29th Street
1639	8/17/2017	15:44	7:44	310	260	13601	21884695	Gmail	U Street Between St Johns & East 29th Street
1638	8/17/2017	16:43	8:43	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1637	8/17/2017	17:59	9:50	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1636	8/17/2017	18:24	10:24	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1635	8/17/2017	18:31	10:31	310	260	13601	44915981	Google Play	SW Corner 33rd & Ust
1634	8/17/2017	18:31	10:31	310	260	13601	44915981	Google Play	SW Corner 33rd & Ust
1633	8/17/2017	18:37	10:37	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1632	8/17/2017	18:37	10:37	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1631	8/17/2017	19:08	11:08	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1630	8/17/2017	21:16	13:16	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1629	8/17/2017	21:58	13:58	310	260	13601	25327371	Maps	NE Beech Street between NE 104-105th Ave, PDX
1628	8/17/2017	23:43	15:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1627	8/17/2017	23:43	15:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1626	8/17/2017	23:43	15:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1625	8/17/2017	23:43	15:43	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1624	8/17/2017	23:45	15:45	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1623	8/17/2017		16:37	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1622	8/17/2017		20:03	310	260	13601	25391382	Maps	North of NE 319th Street, East of Paradise Park Rd
1621	8/17/2017		20:45	310	260	13601	25391382	Gmail	North of NE 319th Street, East of Paradise Park Rd
1620	8/17/2017		20:45	310	260	13601	25391382	Gmail	North of NE 319th Street, East of Paradise Park Rd
1619	8/17/2017		21:42	310	260	13601	21848597	Gmail	I 5 South of NE 179th Street
1618	8/17/2017		21:42	310	260	13601	21848597	Gmail	I 5 South of NE 179th Street
1617	8/17/2017		21:44	310	260	13601	21850625	Gmail	NE 13th Ave & NE 106th Street
1616	8/17/2017		21:44	310	260	13601	21850625	Gmail	NE 13th Ave & NE 106th Street

1615	8/17/2017		22:54	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1614	8/17/2017		23:41	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1613	8/17/2017		23:41	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1612	8/17/2017		0:20	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1611	8/18/2017	10:21	2:21	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1610	8/18/2017	10:21	2:21	310	260	13601	44915981	Gmail	SW Corner 33rd & Ust
1609	8/18/2017	11:44	3:44	310	260	13601	44915981	Maps	SW Corner 33rd & Ust
1608	8/18/2017	13:10	5:10	310	260	13601	21850114	Gmail	NE Burton Road East of NE 18th Street
1607	8/18/2017	13:26	5:26	310	260	35896	74068798	Maps	NE 79th Avenue between NE 20th Street & 21st Way
1606	8/18/2017	13:26	5:26	310	260	35896	74068798	Maps	NE 79th Avenue between NE 20th Street & 21st Way
1605	8/18/2017	13:26	5:26	310	260	35896	74068798	Maps	NE 79th Avenue between NE 20th Street & 21st Way
1604	8/18/2017	13:26	5:26	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1603	8/18/2017	13:26	5:26	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1602	8/18/2017	13:26	5:26	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1601	8/18/2017	13:26	5:26	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1600	8/18/2017	13:26	5:26	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1599	8/18/2017	13:26	5:26	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1598	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1597	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1596	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1595	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1594	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1593	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1592	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1591	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1590	8/18/2017	13:27	5:27	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1589	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1588	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1587	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1586	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1585	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1584	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1583	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1582	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1581	8/18/2017	13:28	5:28	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1580	8/18/2017	13:29	5:29	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1579	8/18/2017	13:29	5:29	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1578	8/18/2017	13:29	5:29	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street

1577	8/18/2017	13:29	5:29	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1576	8/18/2017	13:29	5:29	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1575	8/18/2017	13:30	5:30	310	260	13601	21850114	Maps	NE Burton Road East of NE 18th Street
1574	8/18/2017	13:30	5:30	310	260	13601	21850113	Maps	South of SR 500 & East of NE 62nd Ave
1573	8/18/2017	13:30	5:30	310	260	13601	21850113	Maps	South of SR 500 & East of NE 62nd Ave
1572	8/18/2017	13:30	5:30	310	260	13601	21850113	Maps	South of SR 500 & East of NE 62nd Ave
1571	8/18/2017	13:30	5:30	310	260	13601	21850113	Maps	South of SR 500 & East of NE 62nd Ave
1570	8/18/2017	13:30	5:30	310	260	13601	21850113	Maps	South of SR 500 & East of NE 62nd Ave
1569	8/18/2017	13:30	5:30	310	260	13601	21850113	Maps	South of SR 500 & East of NE 62nd Ave
1568	8/18/2017	13:31	5:31	310	260	13601	21888514	Maps	NE Pacific Way & NE Benton Drive
1567	8/18/2017	13:31	5:31	310	260	13601	21888514	Maps	NE Pacific Way & NE Benton Drive
1566	8/18/2017	13:31	5:31	310	260	13601	44922116	Maps	Sears Vancouver Mall
1565	8/18/2017	13:31	5:31	310	260	13601	44922116	Maps	Sears Vancouver Mall
1564	8/18/2017	13:31	5:31	310	260	13601	21856003	Maps	Lewis Drive, Between SR 500 and Fourth Plain
1563	8/18/2017	13:31	5:31	310	260	13601	21856003	Maps	Lewis Drive, Between SR 500 and Fourth Plain
1562	8/18/2017	13:31	5:31	310	260	13601	21856003	Maps	Lewis Drive, Between SR 500 and Fourth Plain
1561	8/18/2017	13:31	5:31	310	260	13601	21856002	Maps	I 205 South of SR500
1560	8/18/2017	13:31	5:31	310	260	13601	21856002	Maps	I 205 South of SR500
1559	8/18/2017	13:31	5:31	310	260	13601	21856002	Maps	I 205 South of SR500
1558	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1557	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1556	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1555	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1554	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1553	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1552	8/18/2017	13:32	5:32	310	260	13601	21856002	Maps	I 205 South of SR500
1551	8/18/2017	13:32	5:32	310	260	13601	21856001	Maps	Fourth Plain West of 54th Street
1550	8/18/2017	13:32	5:32	310	260	13601	21856001	Maps	Fourth Plain West of 54th Street
1549	8/18/2017	13:32	5:32	310	260	13601	21856001	Maps	Fourth Plain West of 54th Street
1548	8/18/2017	13:32	5:32	310	260	13601	21856001	Maps	Fourth Plain West of 54th Street
1547	8/18/2017	13:33	5:33	310	260	13601	22483458	Maps	NE 61st Street Between NE 81st & 82nd Avenue
1546	8/18/2017	13:33	5:33	310	260	13601	22483458	Maps	NE 61st Street Between NE 81st & 82nd Avenue
1545	8/18/2017	13:33	5:33	310	260	13601	22483458	Maps	NE 61st Street Between NE 81st & 82nd Avenue
1544	8/18/2017	13:34	5:34	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1543	8/18/2017	13:34	5:34	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1542	8/18/2017	13:34	5:34	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1541	8/18/2017	13:34	5:34	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1540	8/18/2017	13:35	5:35	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue

1539	8/18/2017	13:35	5:35	310	260	5	520	Maps	
1538	8/18/2017	13:35	5:35	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1537	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1536	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1535	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1534	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1533	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1532	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1531	8/18/2017	13:36	5:36	310	260	13601	21848834	Maps	Costco NE 88th Street & NE 64th Avenue
1530	8/18/2017	13:36	5:36	310	260	13601	21848578	Maps	NE 138th Street Between NE 20 Ave & Legacy
1529	8/18/2017	13:36	5:36	310	260	13601	21848578	Maps	NE 138th Street Between NE 20 Ave & Legacy
1528	8/18/2017	13:37	5:37	310	260	13601	21885953	Maps	NE 109th Circle & East of NE 39th Avenue
1527	8/18/2017	13:37	5:37	310	260	13601	21848578	Maps	NE 138th Street Between NE 20 Ave & Legacy
1526	8/18/2017	13:37	5:37	310	260	13601	74071848	Maps	Clark County Amphitheater
1525	8/18/2017	13:38	5:38	310	260	8	101	Maps	No Base Station
1524	8/18/2017	13:38	5:38	310	260	35896	74068719	Maps	North of Carty Road & East of NW Ecklund Road
1523	8/18/2017	13:38	5:38	310	260	13601	21848597	Maps	NE 139th Street Between NE 20th Ave & I 5
1522	8/18/2017	13:38	5:38	310	260	13601	21848597	Maps	NE 139th Street Between NE 20th Ave & I 5
1521	8/18/2017	13:39	5:39	310	260	13601	21848577	Maps	NE 138th Street Between NE 20 Ave & Legacy
1520	8/18/2017	13:39	5:39	310	260	13601	22324225	Maps	NE 150th Circle & NE 7th Avenue
1519	8/18/2017	13:39	5:39	310	260	13601	21848577	Maps	NE 138th Street Between NE 20 Ave & Legacy
1518	8/18/2017	13:40	5:40	310	260	13601	21848597	Maps	NE 139th Street Between NE 20th Ave & I 5
1517	8/18/2017	13:40	5:40	310	260	13601	21848597	Maps	NE 139th Street Between NE 20th Ave & I 5
1516	8/18/2017	13:40	5:40	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1515	8/18/2017	13:40	5:40	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1514	8/18/2017	13:41	5:41	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1513	8/18/2017	13:41	5:41	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1512	8/18/2017	13:42	5:42	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1511	8/18/2017	13:42	5:42	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1510	8/18/2017	13:42	5:42	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1509	8/18/2017	13:42	5:42	310	260	13601	22474754	Maps	North of NE Carty Road & East of I 5
1508	8/18/2017	13:43	5:43	310	260	13601	22474755	Maps	North of NE Carty Road & East of I 5
1507	8/18/2017	13:43	5:43	310	260	13601	23207171	Maps	I 5 South of NE 269th Street
1506	8/18/2017	13:43	5:43	310	260	13601	23207171	Maps	I 5 South of NE 269th Street
1505	8/18/2017	13:43	5:43	310	260	13601	22474753	Maps	I 5 South of NE 269th Street
1504	8/18/2017	13:43	5:43	310	260	13601	23207171	Maps	I 5 North Bound Ridgfield Exit
1503	8/18/2017	13:43	5:43	310	260	13601	23207171	Maps	I 5 North Bound Ridgfield Exit
1502	8/18/2017	13:44	5:44	310	260	13601	22474753	Maps	I 5 North Bound Ridgfield Exit

1501	8/18/2017	13:44	5:44	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1500	8/18/2017	13:44	5:44	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1499	8/18/2017	13:44	5:44	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1498	8/18/2017	13:44	5:44	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1497	8/18/2017	13:45	5:45	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1496	8/18/2017	13:45	5:45	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1495	8/18/2017	13:45	5:45	310	260	13601	24156675	Maps	I 5 South of NW 299th Street
1494	8/18/2017	13:45	5:45	310	260	13601	22474753	Maps	I 5 North Bound Ridgefield Exit
1493	8/18/2017	13:45	5:45	310	260	13601	22474753	Maps	I 5 North Bound Ridgefield Exit
1492	8/18/2017	13:45	5:45	310	260	13601	22474753	Maps	I 5 North Bound Ridgefield Exit
1491	8/18/2017	13:46	5:46	310	260	13601	2307191	Maps	I 5 North of NE 269th Street
1490	8/18/2017	13:46	5:46	310	260	13601	2307191	Maps	I 5 North of NE 269th Street
1489	8/18/2017	13:46	5:46	310	260	13601	2307191	Maps	I 5 North of NE 269th Street
1488	8/18/2017	13:46	5:46	310	260	13601	2307191	Maps	I 5 North of NE 269th Street
1487	8/18/2017	13:46	5:46	310	260	13601	23207171	Maps	I 5 South of NE 269th Street
1486	8/18/2017	13:46	5:46	310	260	13601	23207171	Maps	I 5 South of NE 269th Street
1485	8/18/2017	13:46	5:46	310	260	13601	23207171	Maps	I 5 South of NE 269th Street
1484	8/18/2017	13:46	5:46	310	260	13601	23207171	Maps	I 5 South of NE 269th Street
1483	8/18/2017	13:46	5:46	310	260	13601	25391382	Maps	North of NE 319th Street, East of Paradise Park Rd
1482	8/18/2017	13:46	5:46	310	260	13601	25391382	Maps	North of NE 319th Street, East of Paradise Park Rd
1481	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1480	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1479	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1478	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1477	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1476	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1475	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1474	8/18/2017	13:47	5:47	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1473	8/18/2017	13:48	5:48	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1472	8/18/2017	13:48	5:48	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1471	8/18/2017	13:49	5:49	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1470	8/18/2017	14:00	6:00	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1469	8/18/2017	14:02	6:02	310	260	13601	22474755	Gmail	North of NW Carty Road between NW 24 Ave & I 5
1468	8/18/2017	14:02	6:02	310	260	13601	22474755	Gmail	North of NW Carty Road between NW 24 Ave & I 5
1467	8/18/2017	14:10	6:10	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1466	8/18/2017	14:11	6:11	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1465	8/18/2017	14:13	6:13	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5
1464	8/18/2017	14:13	6:13	310	260	13601	22474755	Maps	North of NW Carty Road between NW 24 Ave & I 5

1463	8/18/2017	14:17	6:17	310	260	13601	22474774	Maps	North of NE 219th Street & West of 10th Avenue
1462	8/18/2017	14:17	6:17	310	260	13601	22474774	Maps	North of NE 219th Street & West of 10th Avenue
1461	8/18/2017	14:17	6:17	310	260	13601	22474774	Maps	North of NE 219th Street & West of 10th Avenue
1460	8/18/2017	14:51	6:51	310	260	13601	44915981	Maps	33rd Street & U Street
1459	8/18/2017	15:05	7:05	310	260	13601	44915981	Maps	33rd Street & U Street
1458	8/18/2017	15:14	7:14	310	260	13601	44915981	Maps	33rd Street & U Street
1457	8/18/2017	15:19	7:19	310	260	13601	44915981	Maps	33rd Street & U Street
1456	8/18/2017	16:06	8:06	310	260	13601	44915981	Maps	33rd Street & U Street
1455	8/18/2017	16:41	8:41	310	260	13601	21884675	Gmail	East 30 - 32nd Street & Between W & X Street
1454	8/18/2017	16:41	8:41	310	260	13601	21884675	Gmail	East 30 - 32nd Street & Between W & X Street
1453	8/18/2017	17:07	9:07	310	260	13601	44915981	Maps	33rd Street & U Street
1452	8/18/2017	17:20	9:20	310	260	13601	44915981	Gmail	33rd Street & U Street
1451	8/18/2017	17:20	9:20	310	260	13601	44915981	Gmail	33rd Street & U Street
1450	8/18/2017	17:21	9:21	310	260	13601	44915981	Google Play	33rd Street & U Street
1449	8/18/2017	18:00	10:00	310	260	13601	44915981	Maps	33rd Street & U Street
1448	8/18/2017	18:09	10:09	310	260	13601	74071689	Maps	East 32nd Street & Between V - W Street
1447	8/18/2017	22:00	14:00	310	260	13601	44915981	Maps	33rd Street & U Street
1446		1:47	17:47	310	260	13601	44915981	Maps	33rd Street & U Street
1445		1:47	17:47	310	260	13601	44915981	Maps	33rd Street & U Street
1444		1:47	17:47	310	260	13601	44915981	Maps	33rd Street & U Street
1443		2:00	18:00	310	260	13601	44915981	Maps	33rd Street & U Street
1442		2:30	18:30	310	260	13601	25156876	Maps	Hayden Island Marina
1441		2:33	18:33	310	260	13601	25156876	Maps	Hayden Island Marina

STATE OF WASHINGTON,
Plaintiff,
v.
DHENA RAYNE ALBERT,
Defendant.

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)
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)

NO. 17-1-01893-7

MOTION FOR APPEAL BOND

RELIEF REQUESTED: Setting of appeal bond in the above-referenced case.

While pending trial Defendant was on supervised release for approximately 9 months and did not violate her conditions of release. Defendant has appeared at every court hearing as directed. Defendant has two prior felony convictions; one from Oregon and one in Washington.

GROUND FOR RELIEF AND ARGUMENT: The trial court has the authority after

James J. Sowder - Attorney at Law
1600 Daniels Street, PO Box 27
Vancouver, Washington 98666-0027
Phone (360) 695-4792 Fax- 695-0227

Ex. B

1 a conviction to set an appeal bond with the appropriate conditions. Defendant has abided by all
2 preconviction conditions of the court.

3 RCW 10.73.040 provides for bail pending an appeal. In criminal actions except capital
4 cases upon an appeal being taken from a judgment of conviction the court which rendered the
5 judgment must determine the amount of bail required of the appellant and appellant shall be
6 committed until bond to the state in the sum so fixed is executed on his/her behalf by at least
7 two sureties possessing the qualifications required for sureties on appeal bonds, such bond to be
8 conditioned that the appellant shall appear whenever required and abide by the judgment and
9 orders of the appellate court, and any judgment in superior court that may be rendered or made
10 in pursuance thereof.

11 RCW 9.95.062 provides for limitations on appeal bonds. The provision provides
12 notwithstanding CrR 3.2 and RAP 7.2 an appeal by defendant in a criminal action shall not stay
13 execution of the judgment of conviction if the court determines by preponderance of the
14 evidence that (1) defendant is likely to flee or pose a danger to the safety of any other person or
15 the community if the judgment is stayed; or (2) delay resulting from the stay will unduly
16 diminish the deterrent effect of the punishment or (3) a stay of the judgment will cause
17 unreasonable trauma to the victims of the crime or their families, or (4) defendant has not
18 undertaken to the extent of defendant's financial ability to pay financial obligations under the
19 judgment or has not posted an adequate performance bond to assure payment.

20 While the case was pending Defendant committed no crimes and appeared at all court
21 appearances so Defendant is not likely to flee. The state will maintain a search warrant was
22 executed at her alleged residence and a federal charge may be pending but nothing has been
23

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MOTION FOR APPEAL BOND -2

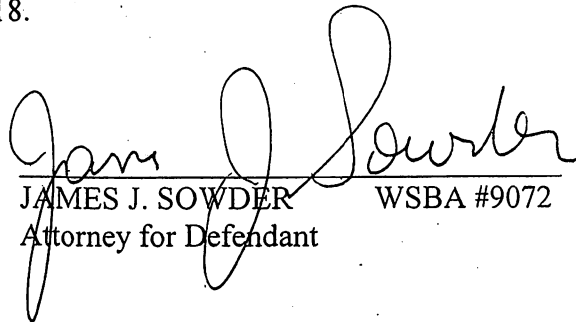
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Vancouver, Washington 98666-0027
Phone (360) 695-4792 Fax- 695-0227

1 filed or proved.

2 The stay of judgment should not cause unreasonable trauma to the victim of the crime
3 because there is no victim.
4

5 Defendant would request the appeal bond be set in the amount of \$200,000 which is a
6 fair bond to ensure Defendant's presence in court when directed.
7

8 DATED this 23 day of May, 2018.
9

10 
11 JAMES J. SOWDER WSBA #9072
12 Attorney for Defendant
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STATE OF WASHINGTON V. DHENA RAYNE ALBERT - CAUSE NO 17-1-01893-7

CLARK COUNTY PROSECUTING ATTORNEY'S OFFICE OFFER OF SETTLEMENT

TO: DEFENSE ATTORNEY JAMES J. SOWDER, WSBA #09072
The defendant is charged with the following:

Count	Charge	Score	Range	Enhancement	Total Range
01	POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER - METHAMPHETAMINE WHILE ARMED WITH FIREARM (LEVEL III DRUG OFFENSE)	4	68+ - 100 MONTHS	SCHOOL BUS, FIREARM	152+ - 184 MONTHS
02	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	4	36 - 48 MONTHS		36 - 48 MONTHS
03	UNLAWFUL USE OF BUILDING FOR DRUG PURPOSES - OWNER OR MANAGER KNOWINGLY LEASES OR RENTS	4	6+ - 12 MONTHS		6+ - 12 MONTHS

The State makes the following Offer of Settlement. In accepting this offer, the defendant is agreeing to stipulate to its terms and recommendations, unless otherwise noted. The offer is: 1) based on the accompanying Declaration of Criminal History which the defendant acknowledges is accurate, true and complete and further that the resultant offender score calculations in this offer are correct; 2) supersedes any previous offer made in this case; 3) is exclusive to the above referenced cause number(s), unless otherwise noted. Furthermore, defendant understands and agrees that the failure of the defendant to declare disputed criminal history or to disclose additional criminal history or to dispute the resultant offender score calculations prior to entering any plea of guilty constitutes a breach of this agreement by the defendant.

This offer may be withdrawn at any time prior to the entry of a guilty plea, or it otherwise expires on 11/10/17.

If the defendant pleads guilty to the following, the State will recommend confinement, costs, conditions and supervision as outlined in this offer.

Count	Charge	Score	Range	Enhancement	Total Range
01	POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER - METHAMPHETAMINE WHILE ARMED WITH FIREARM (LEVEL III DRUG OFFENSE)	3	68+ - 100 MONTHS	DEADLY WEAPON	92+ - 124 MONTHS
02	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	3	36 - 48 MONTHS		36 - 48 MONTHS
03	UNLAWFUL USE OF BUILDING FOR DRUG PURPOSES - OWNER OR MANAGER KNOWINGLY LEASES OR RENTS - DISMISS	-	-		-

RECOMMENDATION AS TO CONFINEMENT

92+ ☒ Months in Total Confinement

TERMS APPLICABLE TO ALL RECOMMENDATIONS

This offer includes credit for time served in custody solely on this case, up to the date of sentencing. It also includes standard conditions of supervision including reporting to DOC. This offer is exclusive to the above referenced cause number(s), unless otherwise noted.

All recommendations include court costs of \$200.00; crime victim's compensations fee of \$500; fine of \$500; biological collection fee of \$100.00; appointed attorney's fees, and any related defense costs, such as investigator fees, expert witness fees, transcription fees, etc. which have been or will

EX. C

be paid by order of the court. To accept this offer, defendant agrees to pay restitution (in an amount presently understood to be _____) which could be established or modified by the court at a later date based on additional information. The defendant agrees to pay restitution to victims of uncharged crimes contained in the discovery, and/or dismissed counts. The Defendant is free to argue for reduction in financial obligations, other than restitution or those required by law, on the basis of indigency.

Defendant shall comply with directions of the DOC and the Clerk of the Court regarding reporting and paying any financial obligations and comply with financial monitoring as required by statute.

Other legal financial obligations include:

Drug Fine:	<u>\$2,000.00</u>	Lab Fee:	<u>\$100.00</u>	Warrant Fees:	_____
DV Assessment:	_____	Extradition Costs:	_____	Cleanup fine:	_____
Other of fees:	_____ for _____	Emergency Response Fee:	_____		

SUPERVISION

☒ Community Custody for 12 months.

MANDATORY SENTENCE REQUIREMENTS

- ☒ No possession/use/ownership of firearms/surrender concealed pistol license
- ☒ Provide biological sample for DNA identification

OTHER CONDITIONS OF SUPERVISION AND AGREEMENT

(This list is non-exclusive – the State is free to recommend other usual conditions)

- ☒ The defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by the Department of Corrections (DOC) and shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision/custody. Defendant shall receive permission from DOC prior to moving.
- ☒ Treatment for: ☒ substance abuse; ☐ mental health; ☐ anger control; ☐ other _____
- ☒ No use/ possession of alcohol and controlled substances. U/A and BA testing authorized.
- ☒ A chemical dependency screening report shall be ordered unless the defendant stipulates to having a chemical dependency that contributed to his/her offense.
- ☒ No violations of federal, state, or local criminal laws.
- ☒ Notify community corrections officer within 48 hours of any arrest or citation.
- ☒ No contact with other participants in the crime: David Tovar.
- ☒ Forfeiture of the following property: Firearm seized as evidence.
- ☒ Register as a Firearm Offender per RCW 9.41.330 and 9.41.333.
- ☒ ***This agreement requires Defendant to admit relevant conduct. Absent advance notice and consent of the undersigned prosecutor, pleas which do not admit relevant conduct (Newton or Alford pleas) are not allowed. Defendant breaches this agreement if he enters such a plea without prior approval of the prosecutor.***
- ☒ OTHER This is a stipulated agreement. In exchange for the reductions described in this agreement, the Defendant agrees not to ask for any sentencing alternatives.

If the defendant fails to appear for sentencing, commits any additional crimes between pleading guilty and sentencing, or otherwise breaches this agreement or if Defendant later moves to withdraw this plea or collaterally attack the conviction under this cause number, the defendant understands and agrees that the State will be free to make any recommendation(s) it deems appropriate or to re-file any dismissed or withheld counts, enhancements or aggravating factors but that that the defendant may not withdraw his plea of guilty in the event the State elects any of these remedies.

I have reviewed the terms of this offer of settlement with my attorney and I understand the terms. I accept the terms of this offer.

This offer form must be attached to the Statement of Defendant on Plea of Guilty.

Erik Podhora
Erik Podhora
Deputy Prosecuting Attorney, WSBA #48090

10/24/17
Date

DHENA RAYNE ALBERT

James J. Sowder, 09072

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON,
Plaintiff,

v.

DHENA RAYNE ALBERT,
Defendant

Date of Birth: 11/22/1984

No. 17-1-01893-7

APPENDIX 2.2

DECLARATION OF CRIMINAL HISTORY



COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.525 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*? YES	PTS.
PCS WITH INTENT TO DELIVER - METHAMPHETAMINE	CLARK/WA 13-1-00039-3	1/2/2013	5/23/2013		1
POSSESSION OF METHAMPHETAMINE	MULTNOMAH/OR 121135187	10/11/2012	6/20/2013		1
LITTERING (>THAN 1 CUBIC YARD)	CLARK/WA 6Z0708805	6/25/2016	8/24/2016		

*DV: Domestic violence was pled and proved.

☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.

DATED this 24 day of October, 2017.

Defendant

James Sowder, WSBA#9072
Attorney for Defendant

Erik Podhora
Erik Podhora, WSBA#48090
Deputy Prosecuting Attorney

DECLARATION OF CRIMINAL HISTORY
Revised 9/14/2000

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

Deliver Or Possess With Intent To Deliver Methamphetamine

RCW 69.50.401(2)(b)
CLASS B – NONVIOLENT/DRUG

OFFENDER SCORING RCW 9.94A.525(13)

If it was found that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, use the General Drug Offense with a Sexual Motivation Finding scoring form on page 195.

If the present conviction is for a felony domestic violence offense where domestic violence was plead and proven, use the General Drug Offense Where Domestic Violence Has Been Plead and Proven scoring form on page 194.

ADULT HISTORY:

Does the offender have a prior sex or serious violent offense in history?

YES Enter number of felony drug convictions.....

NO Enter number of felony drug convictions.....

Enter number of felony convictions.....

x 3 =

x 1 =

x 1 =

JUVENILE HISTORY:

Does the offender have a prior sex or serious violent offense in history?

YES Enter number of felony drug dispositions.....

NO Enter number of felony drug dispositions.....

Enter number of serious violent and violent felony dispositions.....

Enter number of nonviolent felony dispositions.....

x 2 =

x 1/2 =

x 1 =

x 1/2 =

OTHER CURRENT OFFENSES:

(Other current offenses that do not encompass the same conduct count in offender score)

Does the offender have other prior sex or serious violent offense in history?

YES Enter number of other felony drug convictions.....

NO Enter number of other felony drug convictions.....

Enter number of other felony convictions.....

x 3 =

x 1 =

x 1 =

STATUS:

Was the offender on community custody on the date the current offense was committed? (if yes).....

= 1 =

Total the last column to get the **Offender Score** (Round down to the nearest whole number)

9

SENTENCE RANGE – DRUG

LEVEL II	Offender Score		
	0 to 2	3 to 5	6 to 9+
	16m	40m	90m
	12+ - 20	20+ - 60	60+ - 120

✓ For attempt, solicitation or conspiracy drug felonies see page 25 or for gang-related felonies where the court found the offender involved a minor (RCW 9.94A.833) see page 186 for standard range adjustments.

✓ Per RCW 9.94A.518, any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW 9.94A.602 becomes a level III offense.

✓ For deadly weapon enhancement, see page 190.

✓ For sentencing alternatives, see page 177.

✓ For community custody eligibility, see page 187.

✓ For any applicable enhancements other than deadly weapon enhancement, see page 183.

✓ Per RCW 69.50.408, the statutory maximum for a subsequent conviction under chapter 69.50 RCW is 240 months.

✓ Per RCW 69.50.435, if the offense occurred within a protected zone, 24 months shall be added to the standard range and the statutory maximum is 240 months.

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.

SECTION 4 – Sentencing Grids (Levels I – III) For Sentences After July 1, 2013

DRUG SENTENCING GRID B FOR SENTENCES IMPOSED ON OR AFTER JULY 1, 2013

"CURRENT GRID"
RCW 9.94A.517

Seriousness Level	Offender Score		
	0 to 2	3 to 5	6 to 9+
LEVEL III	59.5m 51 - 68	84m 68+ - 100	110m 100+ - 120
LEVEL II	16m 12+ - 20	40m 20+ - 60	90m 60+ - 120
LEVEL I	3m 0 - 6	9m 6+ - 12	18m 12+ - 24

DRUG SENTENCING GRID B FOR SENTENCES IMPOSED ON OR AFTER JULY 1, 2013 (SOLICITATIONS FOR OFFENSES UNDER CHAPTER 69.50 RCW, ANTICIPATORIES FOR OFFENSES NOT UNDER CHAPTER 69.50 RCW)

"CURRENT GRID"
RCW 9.94A.517

Seriousness Level	Offender Score		
	0 to 2	3 to 5	6 to 9+
LEVEL III	38.25 - 51	51.02 - 75	75.02 - 90
LEVEL II	9.02 - 15	15.02 - 45	45.02 - 90
LEVEL I	0 - 4.5	4.52 - 9	9.02 - 18

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Deadly Weapon Enhancement

If offense was committed after July 23, 1995 with a firearm or other deadly weapon finding

CLASS A FELONY

First Deadly Weapon/Firearm Offense

Firearm

5 years

Other Deadly Weapon

2 years

Subsequent Deadly Weapon/Firearm Offense

Firearm

10 years

Other Deadly Weapon

4 years

CLASS B FELONY

First Deadly Weapon/Firearm Offense

Firearm

3 years

Other Deadly Weapon

1 years

Subsequent Deadly Weapon/Firearm Offense

Firearm

6 years

Other Deadly Weapon

2 years

CLASS C FELONY

First Deadly Weapon/Firearm Offense

Firearm

18 months

Other Deadly Weapon

6 months

Subsequent Deadly Weapon/Firearm Offense

Firearm

3 years

Other Deadly Weapon

1 year

Excluded offenses: Possession of a Machine gun, Possessing a Stolen Firearm, Drive-by Shooting, Theft of a Firearm, Unlawful Possession of a Firearm 1 and 2, Use of a Machine Gun in a felony.

To be sentenced to a subsequent deadly weapon finding, the offense in history with a deadly weapon finding must also have been committed after July 23, 1995.

If offense was committed after June 12, 1994 and before July 24, 1995 with a deadly weapon finding

OFFENSES ELIGIBLE FOR A SPECIFIC DEADLY WEAPON ENHANCEMENT:

Kidnapping 1 24 months

Rape 1

Robbery 1

Burglary 1 18 months

Assault 2

Assault of a Child 2

12 months

Escape 1

Kidnapping 2

Burglary 2

Drug offense

Theft of Livestock 1

Theft of Livestock 2

Any Serious Violent or Violent Offense Not Listed Above.

The standard range may in no case exceed the statutory maximum.

STANDARD RANGE CALCULATION :

OFFENDER SCORE

4

SERIOUSNESS LEVEL

III

STANDARD SENTENCE RANGE

Low

60+

to

High

180

DEADLY WEAPON ENHANCEMENT

60 MOS

+ 24 MOS

SCHOOL BUS

STANDARD SENTENCE RANGE PLUS ENHANCEMENT

Low

152+

to

High

184

✓ For anticipatory offenses, add the enhancement after reducing the standard sentence range

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SECTION 4 - Offense Seriousness Levels For Drug Sentencing Grid (RCW 9.94A.518)

OFFENSE SERIOUSNESS LEVELS FOR DRUG SENTENCING GRID (RCW 9.94A.518)

This list includes most statutory drug offenses as well as drug-related offenses not defined as drug offenses under RCW 9.94A.030(22).

Seriousness Level	Statute (RCW)	Offense	Class
III	9.94A.602	Any felony offense under Chapter 69.50 RCW with a Deadly Weapon Special Verdict under RCW 9.94A.602	*
	69.50.415	Controlled Substance Homicide	B
	69.52.030(2)	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	B
	69.50.4015	Involving a Minor in Drug Dealing	C
	69.50.401(2)(b)	Manufacture Methamphetamine	B
	69.50.406(1)	Over 18 and Deliver Heroin, Methamphetamine, a Narcotic from Schedule I or II, or Flunitrazepam from Schedule IV to Someone Under 18	A
	69.50.406(2)	Over 18 and Deliver Narcotic from Schedule III, IV or V, or a Nonnarcotic, Except Flunitrazepam or Methamphetamine, from Schedule I-V to Someone Under 18 and 3 Years Junior	B
	69.50.440	Possession of Ephedrine, Pseudoephedrine or Anhydrous Ammonia with Intent to Manufacture Methamphetamine	B
	69.50.410	Selling for Profit (Controlled or Counterfeit) any Controlled Substance in Schedule I	C
	69.50.4011(2)(a-b)	Create, Deliver or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic or Flunitrazepam or Methamphetamine	B
II	69.50.4011(2)(c-e)	Create, Deliver or Possess a Counterfeit Controlled Substance - Schedule I-II Nonnarcotic, Schedule III-V Except Flunitrazepam or Methamphetamine	C
	69.50.401(2)(b)	Deliver or Possess with Intent to Deliver - Methamphetamine	B
	69.50.4012	Delivery of a Material in Lieu of a Controlled Substance	C
	69.50.402	Maintaining a Dwelling or Place for Controlled Substances	C
	69.50.401(2)(a)	Manufacture, Deliver or Possess with Intent to Deliver - Narcotics from Schedule I or II or Flunitrazepam from Schedule IV	B
	69.50.401(2)(b)	Manufacture, Deliver or Possess with Intent to Deliver - Amphetamine	B
	69.50.401(2)(c-e)	Manufacture, Deliver or Possess with Intent to Deliver - Narcotics from Schedule III, IV, or V or Nonnarcotics from Schedule I-V (except Marijuana, Amphetamine, Methamphetamine, or Flunitrazepam)	C

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SECTION 4 - Offense Seriousness Levels For Drug Sentencing Grid (RCW 9.94A.518)

Seriousness Level	Statute (RCW)	Offense	Class
I	69.52.030(1)	Manufacture, Distribute or Possess with Intent to Distribute an Imitation Controlled Substance	C
	69.41.020	Forged Prescription - Legend Drug	B
	69.50.403	Forged Prescription for a Controlled Substance	C
	69.50.401(2)(c)	Manufacture, Deliver or Possess with Intent to Deliver - Marijuana	C
	69.50.4013	Possession of Controlled Substance That is a Narcotic from Schedule III, IV or V or Nonnarcotic from Schedule I-V	C
	69.50.4013	Possession of Controlled Substance That is Either Heroin or Narcotics from Schedule I or II	C
	69.53.010	Unlawful Use of Building for Drug Purposes	C

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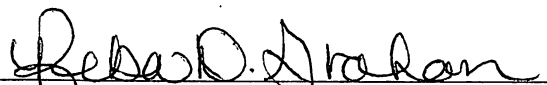
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,)	
)	NO. 51930-5-II
Respondent,)	
)	DECLARATION OF MAILING
v.)	
)	
DHENA RAYNE ALBERT,)	
)	
<u>Appellant.</u>)	

I, REBA D. GRAHAM, certify and declare under penalty of perjury under the laws of the State of Washington, that on the 18 day of February, 2019, I personally e-filed the Appellant's Brief to the Clerk of the Court, Court of Appeals, as well as a copy of this declaration of service; I emailed a copy of same to the Clark County Prosecuting Attorney Rachael Rogers; and mailed a copy to Appellant at the below listed address.

Dhena Albert, DOC #366486
Washington Corrections Center for Women
9601 Bujacich Rd. NW
Gig Harbor, WA 98332-8300

DATED this _____ day of February, 2019.


REBA D. GRAHAM, Legal Assistant
JAMES J. SOWDER WSBA #9072

DECLARATION OF SERVICE

JAMES J. SOWDER

February 01, 2019 - 2:39 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51930-5
Appellate Court Case Title: State of Washington, Respondent v. Dhena Rayne Albert, Appellant
Superior Court Case Number: 17-1-01893-7

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Briefs - Appellants
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Filing on Behalf of: James J Sowder - Email: j.sowder@comcast.net (Alternate Email: reba.sowderlaw@comcast.net)

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PO Box 27
Vancouver, WA, 98666
Phone: (360) 695-4792

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JAMES J. SOWDER

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Address:
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Phone: (360) 695-4792

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